

**Meeting Summary
Disability Commission
January 15, 2004**

Background

The Disability Commission meeting was called to order by Lieutenant Governor Kaine at 4:00 PM on January 15, 2004 in House Room D of the General Assembly Building. This was the fifth meeting of the 2003-2004 interim in order to finalize the Commission's Legislative Agenda for the 2004 General Assembly Session.

Meeting Attendees

Members present included: Lt. Governor Kaine, Delegates Van Landingham, McQuigg, and Mayer, Senators Puller and Miller, and gubernatorial appointees, James McDonald, William Howell, Karen Michalski-Karney, Katherine McCary, and Dr. Fred Orelove. Staff in attendance included Brian Shepard (Director of Policy, Lt. Governor's Office), Heidi L. Lawyer, Director, Virginia Board for People with Disabilities, and Janet W. Hill (VCU/VBPD Research Consultant).

2004 FINAL LEGISLATIVE AGENDA

Informing the Governor's Budget Planning

As in previous years, the Disability Commission sought to proactively inform budget planning by providing the Governor with bipartisan recommendations early in the budget planning process.

The Disability Commission developed a letter to the Governor with recommendations for his budget planning including the following key suggestions to:

- ◆ Focus on immediate progress toward on core Olmstead compliance issues, rather than the broader goals of Olmstead Task force;
- ◆ Preserve existing community programs;
- ◆ Fund two smaller community initiatives, which when fully implemented will save dollars by allowing Virginians with disabilities greater self-sufficiency and community inclusion (i.e., the Medicaid Buy-In Waiver (\$200,000), and Brain Injury Home and Community Based Services Waiver).

Attached to the Chairman's final letter to Governor Mark Warner was the Commission's prioritized service matrix. Most of the Commission's budgetary recommendations were included in the Governor's Budget.

The Commission's 2004 Legislative Agenda included the following items:

Legislation for Reauthorization of the Disability Commission

The most recent reauthorization of the Disability Commission expires on June 30, 2004. In order to continue the important work of the Commission, commissioners recommended another reauthorization, this time through June 30, 2007.

Senator Toddy Puller introduced the Commission recommendation as Senate Bill 381. Delegate Marian Van Landingham introduced the Commission recommendation as House Bill 817.

Legislation to Raise Revenues to Support Continuation of Brain Injury Programs

The Commission received extensive public comment regarding the need to continue some of the programs funded by the Commonwealth Neurotrauma Initiative (CNI) Trust Fund. This initiative was passed in 1998 legislation to establish a special nonreverting fund in the state treasury and a \$30 reinstatement fee to restore driver's license revoked or suspended for specified offenses (e.g., DUI, hit-and-run, reckless driving, habitual offenses). The Department of Motor Vehicles (DMV) collects the \$30 fee to reinstate operator's license and directs \$25 to the CNI Trust Fund, with \$5 to DMV (if DUI-related, then \$5 to VASAP). The total revenue collected between SFY 1998 – SFY 2003 is \$5,966,733.

This year, based upon analyses completed by the DRS, the Commission determined that key programs (with the best outcomes) could be continued if the fees were doubled to **\$60**. Commissioners agreed that raising the driver's license reinstatement fees for these Virginians, who often cause the traumatic brain injuries through reckless driving, may be the only option to continue Brain Injury Programs.

Senator Puller introduced the Commission recommendation as Senate Bill 380.

Accessible Housing Legislation

Local comprehensive plans are currently required to plan for "affordable" housing in all communities. Consideration of "accessible" housing is not required. The national consultants, the National Disability Institute, NCB Development Corporation, Washington, DC and Technical Assistance Collaborative, Inc., recommended that a requirement to plan for accessible housing should be added to the requirements for comprehensive planning at the community level.

Delegate Van Landingham introduced the Commission recommendation as House Bill 1433.

Resolutions Commending Commissioners Bloxom and Broman

Two resolutions were submitted this year commending the Commissioners who were retiring: the Vice Chairman, the Honorable Robert Bloxom; and a newer member, the Honorable George Broman. The Commission submitted the resolutions in conjunction with the Virginia Board of People with Disabilities.

2004 OTHER ADMINISTRATIVE ACTIONS SUGGESTED

Review of Olmstead “no cost” recommendations- The Commission will review the recent report from the VA Centers for Independent Living (VACIL’s) that recommended that the Commonwealth adopt the “no-cost” Olmstead Recommendations first, especially the recommended changes to the Nurse Practices Act. These latter changes would allow more flexibility for Personal Assistants to be able to perform some health maintenance tasks, now prohibited. Legislative changes like this in Kansas and other states have promoted more consumer-direction and consumer control of services and more cost effective services. The Commission agreed to explore this approach with thoughtful deliberation, and will involve all parties affected, including the State Board of Nursing, DMAS, DRS and consumer advocates. The Chairman prepared a letter to the Secretary of Health and Human Resources asking her to carefully study possible changes to the Nurse Practices Act.

Housing Work Group Administration Action Recommendations- In addition to the legislative housing action recommended above, the Disability Commission’s Housing Work Group provided a rich list of potential administrative actions to help guide the Commission after the 2004 General Assembly (Appendix 1). The Commission agreed to explore these changes at its next meeting in the Spring 2004.

Appendix 1-Virginia Disability Commission

Housing Work Group Recommendations for 2004 Administrative Actions from the Commission:

- ☐ With a consensus that the State needs to amend the Virginia Fair Housing Act to include "origin of income" protections as a protected class, the Commission should seek to build an effective legislative strategy over the next year to effectively accomplish this goal during the 2005 session.
- ☐ After the VA Housing Registry is developed, consider how to incent or require owners/managers of accessible units to post advance notice of vacancies before offering them on open market.
- ☐ Request that the Secretary of Health Human Resources (HHR) appoint a Housing Coordination Director (Executive Level Staff Position dedicated to Housing) to work in concert with the Olmstead Director, all Disability service agencies, and housing agencies (state and local) to maximize federal funding, multi-agency cooperation and optimization of resources, etc.).¹
- ☐ Prepare a letter for the Chairman's signature to the Secretaries of HHR and Commerce requesting their agencies prioritize collaboration between housing and disability service agencies and HUD to provide regional training across the Commonwealth to enhance use of Federal housing voucher programs with both housing and disability service communities.
- ☐ Prepare a letter for the Chairman's signature to the Secretary of HHR to consider the inclusion of the additional housing recommendations from the HB 813 report (NCB/TAC reports) as a supplement to Olmstead Housing team report for the purpose of prioritizing housing activities.
- ☐ Prepare a letter for the Chairman's signature to the Secretary of Transportation and/or Director of Department of Rail and Public Transit to require the Interagency Specialized Transportation Team to find ways to link local public transit with housing and services as per HB 813 recommendations (i.e., to require or develop incentives for public transit routes and stops to be located near and accessible to housing and social service agencies/program, and ensure curb and ramp issues are addressed).
- ☐ Prepare a letter for the Chairman's signature to Chair of the VA Board for People with Disabilities that the Board consider funding a "Housing Leadership Academy" with federal Developmental Disabilities Funds to encourage self-advocates, parents, and family members to become more active at the state and local level with housing resource decision making and policy development as per HB 813 report.
- ☐ Prepare a letter for the Chairman's signature to the Housing Study Commission Chair recognizing their upcoming efforts to develop a *state housing policy* and offering the assistance of the Disability Commission's existing Housing Work Group to help coordinate and inform on disability issues.

¹ Many on the work group believed that this position could be appointed from existing agency staff with housing responsibilities or partially funded from several agencies and grants for a pilot test period.